

## **MINUTES OF THE CITY COUNCIL**

**SAN JOSE, CALIFORNIA**

**TUESDAY, AUGUST 10, 2004**

The Council of the City of San Jose convened in Regular Session at 9:32 a.m. in Council Chambers at City Hall.

Present: Council Members: Campos, Chavez, Chirco, Cortese, Dando, Gregory, LeZotte, Reed, Williams, Yeager; Gonzales.

Absent: Council Members: None.

Upon motion unanimously adopted, the City Council recessed to Closed Session at 9:33 a.m. in Room 600 to (A) confer with Legal Counsel regarding existing litigation pursuant to Government Code Section 54956.9 Subsection (a) to consider cases of SBC Communications v. City of San José, et al, Sharp, et al. v. City of San José, et al, (B) to confer with Legal Counsel regarding anticipated litigation (a) of a matter where there is significant exposure to litigation pursuant to subsection (b) of Section 54956.9 of the Government Code and (2) to discuss two matters in the initiation of litigation pursuant to subsection (c) of Section 54956.9 of the Government Code, (C) confer with Labor Negotiator pursuant to Government Code Section 54957.6: City Negotiator: City Manager designee Alex Gurza, Employee Organizations: (1) San José Police Officers' Association, (2) International Association of Firefighters, (3) Municipal Employees Federation, (4) Confidential Employees Organization, (5) City Association of Management Personnel, (6) Association of Maintenance Supervisory Personnel, (7) Operating Engineers, Local 3, (8) International Brotherhood of Electrical Workers, (9) Association of Building and Mechanical and Electrical Inspectors.

By unanimous consent, Council reconvened from Closed Session and recessed at 10:40 a.m. and reconvened at 1:36 p.m. in Council Chambers, City Hall.

Present: Council Members: Campos, Chavez, Chirco, Cortese, Dando, Gregory, LeZotte, Reed, Williams, Yeager; Gonzales.

Absent: Council Members: None.

### **INVOCATION (DISTRICT 7)**

Vietnamese Youth Volunteer Association showcased traditional and modern aspects of Vietnamese Youth with a fashion show and dance performance.

### **PLEDGE OF ALLEGIANCE**

Mayor Gonzales led the Pledge of Allegiance.

## **ORDERS OF THE DAY**

Upon motion by Council Member Williams, seconded by Vice Mayor Dando and unanimously carried, the Orders of the Day and the Amended Agenda were approved, with a deferral of Item 3.7 to a date uncertain. (11-0).

## **CEREMONIAL ITEMS**

- 1.2 Presentation of a commendation to Angie Cocke for her continued personal and professional contributions to our community's youth, education, arts, and economy. (Williams)  
(Rules Committee referral 8/4/04)**

Discussion: Mayor Gonzales and Council Member Williams presented Angie Cocke with a commendation for her continued personal and professional contributions to the City of San José' community, youth, education, arts, and economy.

## **CONSENT CALENDAR**

- 2.1 Approval of City Council Minutes for:**
- (a) Regular meeting of May 18, 2004**
  - (b) Regular meeting of May 25, 2004**
  - (c) Joint Council/Redevelopment Agency Board meeting of May 25, 2004**
  - (d) Joint Council/Financing Authority meeting of May 25, 2004**
  - (e) Regular meeting of June 1, 2004**
  - (f) Regular meeting of June 8, 2004**
  - (g) Joint Council/Redevelopment Agency Board meeting of June 8, 2004**
  - (h) Public Hearing of June 14, 2004**
  - (i) Regular meeting of June 15, 2004**

Documents Filed: Regular meeting minutes of May 18, 2004, Regular meeting minutes of May 25, 2004, Joint Council/Redevelopment Agency Board meeting minutes of May 25, 2004, Joint Council/Financing Authority meeting minutes of May 25, 2004, Regular meeting minutes of June 1, 2004, Regular meeting minutes of June 8, 2004, Joint Council/Redevelopment Agency Board meeting of June 8, 2004, Public Hearing meeting minutes of June 14, 2004, Regular meeting minutes of June 15, 2004.

Action: The Minutes were approved. (11-0).

- 2.3 Approval of an ordinance amending Section 25.04.610 of Chapter 25.04 of Title 25 of the San José Municipal Code (Airport) to consolidate the functions of the Airport Noise Advisory Committee and the Curfew Monitoring Committee into the Airport Noise Advisory Committee and to establish the functions and membership of the consolidated Airport Noise Advisory Committee. CEQA: Not a Project. (Airport)**

Documents Filed: Memorandum from Aviation Director Ralph G. Tonseth, dated July 21, 2004, recommending approval of the ordinance.

## 2.3 (Cont'd.)

Action: Ordinance No. 27220, entitled: "An Ordinance of the City of San José Amending Section 25.04.610 of Chapter 25.04 of Title 25 of the San José Municipal Code to Consolidate the Functions of the Curfew Monitoring Committee into the Airport Noise Advisory Committee and to Establish the Functions and Membership of the Consolidated Airport Noise Advisory Committee", was passed for publication. (11-0).

## 2.4 **Approval to appoint Dan Doherty, Downtown Merchant, to the Civic Plaza Parking and Traffic Committee, filling an At Large Member vacancy. CEQA: Not a Project. (Public Works)**

Documents Filed: Memorandum from Director of Public Works Katy Allen, dated July 27, 2004, recommending the appointment.

Action: The appointment of Dan Doherty to Civic Plaza Parking and Traffic Committee was approved. (11-0).

## 2.5 **Approval of Contract Change Order No. 9 with Granite Construction Company, for the Norman Y. Mineta San José International Airport - Airport Blvd - Terminal Drive Improvements Project, in the amount of \$225,000, for a total contract amount of \$3,687,514, and approval of an increase in the project contingency in the amount of \$151,569, from \$321,000 to \$472,569. CEQA: Resolution Nos. 67380 and 71451, PP 04-04-107. (Public Works/Airport)**

Documents Filed: Memorandum from Director of Public Works Katy Allen and Aviation Director Ralph G. Tonseth, dated July 21, 2004, recommending approval of the Contract Change Order No. 9 with Granite Construction Company.

Action: The Contract Change Order No. 9 with Granite Construction Co. was approved. (11-0).

## 2.6 **Approval of Purchase and Sale Agreements with:**

- (a) **Albert and Lily Toy, in the amount of \$10,300, plus related closing costs, for the acquisition of a portion of 1101 South King Road (APN: 486-10-068), in the area of the proposed streetscape for the Story Road Redevelopment Project Area; and,**
- (b) **Dennis Fong and Polly Kam, in the amount of \$95,000, plus related closing costs, for the acquisition of a portion of 1666 South King Road (APN: 486-10-086,88,89), in the area of the proposed streetscape for the Story Road Redevelopment Project Area.**

**CEQA: Exempt, PP04-05-171. Council District 5. (Public Works)**  
**(Deferred from 6/29/04 – Item 2.30 and 8/3/04 – Item 2.4)**

Documents Filed: (1) Memorandum from Deputy Director of Debt & Risk Management, Julia Cooper, dated August 6, 2004, attaching the Certificate No. 2004-5 Meeting Report. (2) Memorandum from Director of Public Works Katy Allen, dated June 7, 2004, recommending approval of Purchase and Sale Agreements.

**2.6 (Cont'd.)**

Action: The purchase and sale agreement was approved. (11-0).

**2.7 Approval of a nomination to the San José Silicon Valley Workforce Investment Network Board of Directors. (Mayor)  
(Rules Committee referral 8/4/04)**

Documents Filed: None.

Action: The nomination was approved. (11-0).

**STRATEGIC SUPPORT SERVICES**

- 3.4 (a) Approval to modify Resolution No. 72227, adopted at the June 29, 2004 City Council Meeting, to read: "Adoption of resolution authorizing the City Manager to enter into exclusive negotiations for the purchase, installation, and integration of an Integrated Utility Billing, Customer Service, and Performance Management System (CUSP) with BearingPoint/PeopleSoft, with the option to return to the City Council for further recommendation in the event business terms are not reached with BearingPoint/PeopleSoft."**
- (b) Adoption of a resolution authorizing the City Manager to execute a consultant services contract with Advanced Automation Consulting (AAC) to assist City staff with a business process gap analysis, contract negotiations, and provide technical architecture support related to the development of the BearingPoint/PeopleSoft contract scope of services.**

**CEQA: Not a Project. (Finance)**

Action: This item was deferred to August 17, 2004.

**3.5 Direction to staff to:**

- (a) Issue a Request for Proposals (RFP) to solicit up to three tenants in the New City Hall for approximately 6,000 square feet of first floor space fronting South Fourth Street, without requiring payment of living wages in the RFP;**
- (b) Solicit responses from a broad array of commercial retail brokers and restaurant owners and representatives.**

**CEQA: Not a Project. (Economic Development)**

**[Deferred from 6/29/04 – Item 3.5(d)]**

Documents Filed: Memorandum from Director of Economic Development, Paul Krutko, dated June 23, 2004, recommending direction to staff. (2) Memorandum from City Attorney Richard Doyle, dated June 29, 2004, providing clarification regarding issuance of RFP for City Hall Retail.

Discussion: Council Member LeZotte requested staff to include within the RFP; a section regarding Labor Peace.

### 3.5 (Cont'd.)

Public Comments: William Garbett spoke in opposition to building the New City Hall.

Action: Upon motion by Council Member LeZotte, seconded by Council Member Chavez, and unanimously carried, the staff direction was approved with additional direction to staff to include within the RFP, a section regarding Labor Peace. (11-0).

- 3.6
- (a) **Not approve the proposed contract with Unisys for “Voice Over Internet Protocol” (VoIP) communications and data technology systems for installation at the New Civic Center.**
  - (b) **Direct the Manager to report back to the Council within 7 days with a recommended process and timeline to release a new request for proposals for VoIP services. This RFP should be based on outcomes, functions, service, and quality; identifies existing equipment and systems that must be integrated to achieve these results; and not specify vendors or product brands.**
  - (c) **Direct the Manager to ensure that technical staff who were involved with Cisco Systems during the previous RFP process are not involved in any way with the preparation and evaluation of the new RFP.**
  - (d) **Direct the Manager to report back to the City Council with 7 days on the outcome of his investigations of any improper activities by City staff related to the original VoIP RFP.**
  - (e) **Direct the City Attorney to draft revisions to the Municipal Code related to standardization that reflect current best practices.**
- (Mayor)**

Documents Filed: (1) Memorandum from City Manager Del D. Borgsdorf, dated August 10, 2004, recommending acceptance of the City Manager’s conceptual process for proceeding with the Converged Data Network and Telephony System Request for Proposals (RFP), (2) Memorandum from Mayor Gonzales, dated August 3, 2004, recommending direction contained therein.

Public Comments: Ross Signorino and William Garbett expressed concerns about costs for the New City Hall.

Discussion: Vice Mayor Dando requested staff develop an annual ethics review for all City employees.

Council Member Chavez requested staff do their best to ensure an environment that enables employees to feel secure about expressing concerns about administrative processes and behaviors and to move aggressively, but smartly, in the pending investigative review process, she encouraged staff to request more time needed.

Council Member Williams asked staff to ensure that the design-build process incorporates changes to the RFP process and to consider adding more expertise to the IT Planning Board.

### 3.6 (Cont'd.)

Action: Upon motion by Vice Mayor Dando, seconded by Council Member Chavez, and unanimously carried, Council approved the Mayor's recommendations, the City Attorney/Auditor's Report; and provided numerous directives to staff, including: 1) develop an annual ethics review for all City employees, 2) ensure an environment that enables employees to feel secure about expressing concerns about administrative processes and behaviors, 3) move aggressively, but smartly in the pending investigative review process and if more time is needed come back to the Council, 4) provide Council with information on delay impacts, 5) ensure that the design-build process incorporates changes to the RFP process, and 6) consider adding more expertise to the IT Planning Board. (11-0)

### 3.7 **PUBLIC HEARING for property owner Sharon L. McDonald and adoption of a resolution confirming the report of the Directors of Finance and Transportation that includes the cost of sidewalk repairs and assessments. CEQA: Not a Project. (Finance/Transportation)**

**(Deferred from 3/30/04 - Item 3.4 et al., and 6/1/04 – Item 3.4)**

Documents Filed: (1) Supplemental memorandum from Assistant to the City Manager Deanna J. Santana, dated August 5, 2004, confirming Sharon McDonald would not be available on August 10, 2004 because of a scheduled vacation, (2) Memorandum from Assistant to the City Manager Deanna J. Santana, dated July 29, 2004, providing further information pertaining to the Sharon McDonald Public Hearing.

Action: This item was deferred to a date uncertain.

## TRANSPORTATION SERVICES

### 6.2 **Adoption of a resolution that amends and restates the list of designated Heritage Trees in San José and repeals Resolution No. 69745. CEQA: Exempt, PP04-07-220. (Transportation)**

Documents Filed: Memorandum from Director of Transportation, James R. Helmer, dated July 23, 2004, recommending adoption of the resolution.

Action: Upon motion by Vice Mayor Dando, seconded by Council Member Campos, and unanimously carried, Resolution No. 72274, entitled: "A Resolution of the Council of the City of San José Designating Certain Trees as Heritage Trees, Placing Said Trees on the Heritage Tree List, and Deleting Certain Trees Therefrom, and Repealing Resolution No. 69745", was adopted.

## **NOTICE OF CITY ENGINEER'S PENDING DECISION ON FINAL MAPS**

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

None.

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
9539	NW/C of Patterson St. and 3 <sup>rd</sup> St.	3	Barry Swenson Green Valley	74 units	SFAR

## **OPEN FORUM—**

- (1) Joseph Miclette commented on opening a Hip Hop Youth Community Center in Downtown San José.
- (2) Ross Signorino spoke on Measure E bond issues affecting public libraries.

## **RECESS/RECONVENE**

The City Council recessed at 3:34 p.m. and reconvened at 7.05 p.m. Council Chambers, City Hall.

Present: Council Members: Campos, Chavez, Chirco, Cortese, Dando, Gregory, LeZotte, Reed, Williams, Yeager; Gonzales.

Absent: Council Members: None.

The City Clerk Lee Price, read the requests for continuances of applications and other actions as recommended. Upon motion by Vice Mayor Dando, seconded by Council Member Chavez, and unanimously carried, the below noted continuances were granted. (11-0).

## **CEREMONIAL ITEMS**

- 1.1 **Presentation of plaques to Warren Honaker for 5 years service on the Airport Commission, to Noel Tebo for 5 years service on the Airport Commission, to Richard Ajluni for 6 years 10 months service on the Arts Commission, to Shahnawaz Saigal for 2 years 8 months service on the CDBG Steering Committee, to Katherine Moore-Wines for 5 years service on the Early Care and Education Commission, to Thomas Paramo for 1 year service on the Early Care and Education Commission, to Hyacinth Stephens for 1 year service on the Early Care and Education Commission, to Judith Recchio for 1 year 5 months service on the Elections Commission, to Avelino Legaspi for 4 years service on the Historic Landmarks Commission, to Gloria Sciara for 4 years service on the Historic Landmarks Commission, and to John Zamora for 4 years 9 months service on the Planning Commission. (Mayor)**

## 1.1 (Cont'd.)

Discussion: Mayor Gonzales presented plaques to Warren Honaker, Richard Ajluni, Thomas Paramo, Avelino Legaspi, and John Zamora. Noel Tebo, Shahnawaz Saigal, Katherine Moore-Wines, Hyacinth Stephens, Judith Recchio, and Gloria Sciara were not present. Plaques will be sent to them.

## RECREATION & CULTURAL SERVICES

### 5.2 Approval to retain the name “Almaden Branch Library.” CEQA: Not a Project. (Library/Library Commission)

Documents Filed: (1) Memorandum from Vice Mayor Dando, dated August 10, 2004, recommending City Council; (a) Name the facility the Almaden Valley Branch Library, (b) Name the Children’s area of this library, The Doris Dhillon Children’s Library, (c) Direct library staff to work with community members and the District 10 Office to develop signage and other appropriate recognition, (2) Memorandum from Library Director, Jane Light, dated July 21, 2004, recommending the City Council retain the name “Almaden Branch Library”, (3) Letter from Chair of the San José Library Commission David Cohen, dated July 20, 2004, transmitting the proposal to rename the Almaden Branch Library, (4) Hardcopy of a report of the Committee for the Preservation of the Almaden Library Name for the San José City Council, dated August 10, 2004, transmitting the summary of survey results. (5) E-mail correspondence from San José residents.

Public Comments: Gary Dhillon, Doris Dhillon’s son, withdrew the request to re-name the library after his mother and indicated support for Vice Mayor Dando’s compromise outlined in her memo, and Roberta Bondelie recited words of praise regarding Ms. Dhillon’s community involvement and accomplishments. A number of other speakers slated to speak in opposition of the proposed recommendation passed on speaking.

Action: Upon motion by Vice Mayor Dando, seconded by Council Member Chavez, and unanimously carried, Council approved a Memorandum from Vice Mayor Dando, dated August 10, 2004, recommending: 1) name the facility, Almaden Valley Branch Library, 2) Name the Children’s area of this library, The Doris Dillon Children’s Library, 3) Direct the library staff to work with community members and the District 10 Office to develop signage and other appropriate recognition. (11-0).

## PUBLIC HEARINGS

### 11.1 Public Hearing on and consider approval of an ordinance on Planned Development Rezoning of the property located at the north side of Willow Glen Way approximately 250 feet from Bird Avenue (765 Willow Glen Way), from R-1-8 Residential Zoning District to A(PD) Planned Development Zoning District, to allow two (2) single-family detached residences on a 0.26 gross acre site. (Robert Cullen, Owner). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC 04-042 - District 6



## 11.1 (Cont'd.)

Documents Filed: (1) Memorandum from Director of Planning, Building & Code Enforcement Stephen Haase, dated July 21, 2004, recommending approval of the proposed rezoning. (2) Department of Planning, Building, and Code Enforcement Staff Report on Project File Number PDC04-042, dated July 6, 2004, recommending approval of the subject rezoning. (3) Proof of publication of Notice of Public Hearing, executed on June 30, 2004, submitted by the City Clerk

Action: Upon motion by Council Member Yeager, seconded by Council Member Chavez, and unanimously carried, Ordinance No. 27222, entitled: "An Ordinance of the City of San José Rezoning Certain Real Property Situated on the North Side of Willow Glen Way Approximately 250 Feet from Bird Avenue to A (PD) Planned Development Zoning District", was passed for publication. (11-0).

## 11.2 **Public Hearing on and consider approval of an ordinance on Conforming Prezoning of the property located at the north side of Curtner Avenue, opposite terminus of Joseph Avenue (2227 Curtner Avenue), from County and R-1-5 Residence Zoning District to R-1-8 Residence Zoning District, to allow residential uses on a 0.72 gross acre site. (Chinese Baptist Church of San José, Inc., Owner). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.**

**C03-092 - District 9**

Documents Filed: (1) Department of Planning, Building, and Code Enforcement Staff Report on Project File Number C03-092, dated July 21, 2004, recommending approval of the subject prezoning and rezoning. (2) Proof of publication of Notice of Public Hearing, executed on July 27, 2004, submitted by the City Clerk

Public Comments: Rob Schoengold spoke in opposition to the proposed prezoning and building of the Chinese Baptist Church. He added he had not received prior notice of the Public Hearing.

Discussion: Staff directed to return to Council with an info memo outlining how the neighborhood was notified of the proposed conforming prezoning.

Action: Upon motion by Council Member Chirco, seconded by Council Member Reed, and unanimously carried, Ordinance No. 27223, entitled: "An Ordinance of the City of San José Prezoning a Described Portion and Rezoning a Described Portion of That Certain Real Property Situated On the North Side of Curtner Avenue Opposite the Terminus of Joseph Avenue to R-1-8 Residence Zoning District", was passed for publication. (11-0).

- 11.3 Public Hearing on and consider approval of an ordinance on Planned Development Rezoning of the property located at the southwest corner of Silver Creek and Aborn Roads, from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District, to allow up to 70,000 square feet of retail, 50,000 square feet of medical office or an 80-bed assisted living facility for the elderly, and unimproved land to be dedicated for public park purposes on a 7.5 gross acre site. (Feng Li-Chu And Shen Chung-Guang, Lii Ruey-Rong & Lih-Woan, Shen Chung Guang, Huang Ying-Ming, Huang Chen-Huei, Owners; Barry Swenson Builder, Developer). CEQA: Mitigated Negative Declaration.  
PDC04-008 - District 7**

Action: This item was continued to August 17, 2004.

- 11.4 Public Hearing on and consider approval of an ordinance on Conforming Rezoning of the property located on the east side of White Road, approximately 160 feet northerly of Alum Rock Avenue (18 N. White Road), from R-1-8 Single-Family Residence District and CP Commercial Pedestrian Zoning Districts to CP Commercial Pedestrian Zoning District, to allow commercial uses on a 0.34 gross acre site. (The Lawrence Company, Owner). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.  
C04-023 – District 5**

Documents Filed: (1) Department of Planning, Building, and Code Enforcement Staff Report on Project File Number C04-023, dated July 21, 2004, recommending approval of the subject rezoning. (2) Proof of publication of Notice of Public Hearing, executed on July 30, 2004, submitted by the City Clerk

Action: Upon motion by Council Member Campos, seconded by Council Member Chavez, and unanimously carried, Ordinance No. 27224, entitled: “An Ordinance of the City of San José Rezoning Certain Real Property Situated on the East Side of White Road, Approximately 160 Feet Northerly of Alum Rock Avenue to CP Commercial Pedestrian Zoning District”, was passed for publication. (11-0).

- 11.5 Public Hearing on and consider approval of an ordinance on Conforming Rezoning of the property located at the northwest corner of Cahalan Avenue and Santa Teresa Boulevard (6095 Cahalan Avenue), from CP Pedestrian Commercial Zoning District to CN Commercial Neighborhood Zoning District to allow commercial uses on a 1.8-acre site. (YBM Inc., Owner/Applicant). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.  
C04-027 - District 10**

Documents Filed: (1) Department of Planning, Building, and Code Enforcement Staff Report on Project File Number C04-027, dated April 26, 2004, recommending approval of the subject rezoning. (2) Proof of publication of Notice of Public Hearing, executed on July 30, 2004, submitted by the City Clerk

## 11.5 (Cont'd.)

Action: Upon motion by Vice Mayor Dando, seconded by Council Member Williams, and unanimously carried, Ordinance No. 27225, entitled: "An Ordinance of the City of San José Rezoning Certain Real Property Situated on the Northwest Corner of Santa Teresa Boulevard and Cahalan Avenue (6095 Cahalan Avenue) to CN Commercial Neighborhood Zoning District", was passed for publication. (11-0).

## 11.6 **Public Hearing on and consider approval of an ordinance on Conforming Prezoning of the property located on the east side of Monterey Road, approximately 280 feet northwesterly of Fehren Drive (3382 Monterey Road), from County to CN Neighborhood Commercial, to allow commercial uses on a 1.24 gross acre site. (Panchal Natwarlal M. and Gita N. Trustee, Owner). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.**

**C04-056 – District 7**

Documents Filed: (1) Department of Planning, Building, and Code Enforcement Staff Report on Project File Number C04-056, dated July 20, 2004, recommending approval of the subject prezoning. (2) Proof of publication of Notice of Public Hearing, executed on July 30, 2004, submitted by the City Clerk

Action: Upon motion by Council Member Gregory, seconded by Council Member Chavez, and unanimously carried, Ordinance No. 27226, entitled: "An Ordinance of the City of San José Prezoning Certain Real Property Situated on the East Side of Monterey Road Approximately 280 Feet Northwesterly of Fehren Drive (3382 Monterey Road) to CN Commercial Neighborhood Zoning District", was passed for publication. (11-0).

## **JOINT COUNCIL/REDEVELOPMENT AGENCY**

The Redevelopment Agency Board convened to consider Item 10.1 in a Joint Session at 7:48 P.M.

## 10.1 **Consider the approval of an ordinance amending Chapter 12.12 of Title 12 of the San José Municipal Code to amend and restate the City of San José Municipal Lobbying Ordinance. (Blue Ribbon Task Force)**

**(Deferred from 6/8/04 – Item 10.2 and 6/29/04 – Item 10.1)**

Documents Filed: (1) Memorandum from Mayor Gonzales and Council Member Yeager, dated August 9, 2004, recommending approval of the proposed amendments to Chapter 12.12 of Title 12 of the San José Municipal Code. (2) Memorandum from Council Member Campos, Council Member Williams, and Council Member Chirco, dated August 10, 2004, recommending approval of the following modifications to the draft lobbyist ordinance contained therein. (3) Memorandum from Council Member Cortese, dated August 9, 2004, recommending direction to staff contained therein. (4) Memorandum from City Attorney Richard Doyle, August 9, 2004, responding to Council Member Gregory' inquiries. (5) Memorandum from City Attorney Richard Doyle, dated August 6, 2004, transmitting a copy of the proposed Lobbyist Ordinance.

## **10.1 (Cont'd.)**

Public Comments: Gail Tiller, Public Affairs Director for Planned Parenthood Marimonte, spoke in opposition to requiring non-profits to register and disclose information that would otherwise remain confidential.

Jim Cunneen, San José Chamber of Commerce, spoke in support of the proposed lobbyist ordinance.

Discussion: Vice Mayor Dando requested staff return to Council in 4 to 6 months with a status update which shall include a review of concerns expressed in the memorandum from Council Member Campos, Council Member Chirco, and Council Member Williams, dated August 8, 2004 and a feasibility analysis of Council Member Cortese suggestions to mandate “real-time” accounting of direct contacts with City officials, as outlined in his memorandum, dated August 9, 2004.

Action: Upon motion by Council Member Yeager, seconded by Council Member Reed, and unanimously carried, Council approved a Memorandum from Mayor Gonzales and Council Member Yeager, dated August 9, 2004, recommending approval of the proposed amendments and gave further direction to Staff to return in 4 to 6 months with a status update which shall include a review of concerns expressed in a memo from Council Members Campos, Chirco and Williams, dated August 10, 2004 and a feasibility analysis of Council Member Cortese’ suggestions to mandate “real-time” accounting of direct contacts with City officials, as outlined in memorandum, dated August 9, 2004, and Ordinance No. 27221, entitled: “An Ordinance of the City of San José Amending Chapter 12.12 of Title 12 of the San José Municipal Code to Amend and Restate the City of San José Municipal Lobbying Ordinance”, was passed for publication. (11-0).

The Redevelopment Agency Board portion of the meeting adjourned at 9:36 P.M.

## **ADJOURNMENT**

The Council of the City of San José adjourned at 9:36 P.M.

**RON GONZALES, MAYOR**

**ATTEST:**

**LEE PRICE, C.M.C, CITY CLERK**

EW/8-10-04